

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

United States of America,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
Shane Twigg,	)	Case No.: A-05-0041 CR. (RRB)
	)	
Defendant.	)	
_____	)	

**NON-OPPOSED MOTION TO CONTINUE SENTENCING**

A period of excludable delay under 18 U.S.C. 3161(h)(1)(F) may occur as a result of the filing/granting/denying of this motion.

COMES NOW, Shane Twigg, by and through counsel, Robert M. Herz, of the Law Offices of Robert Herz, P.C., and hereby moves this court to continue the sentencing that is presently scheduled in this matter for April 3, 2006 at 10:30 a.m. Counsel is presently in a sexual assault trial in *State v. Cano*, 3AN-S02-4148 Cr. Mr. Cano's trial is expected to last until at least March 31, 2006. The draft pre-sentence report circulated on March 3, 2006, and counsel sent a copy to Mr. Twigg that day. Mr. Twigg is presently detained out-of-state. He called yesterday to inform counsel that he had just received his copy of the draft pre-sentence report and that he felt there were significant issues to discuss. Counsel agrees that significant issues are raised in the draft report. Given counsel's present schedule it would be difficult to address these issues in a meaningful manner until sometime between April 1 and April 15, 2006, after the *Cano* trial is completed. Thereafter, counsel will be out-of-state from April 16 to April 25, 2006. Upon return counsel will need time to prepare a sentencing memorandum

in this case. Counsel respectfully requests a sentencing date the week of May 15, 2006. Counsel has spoken with AUSA Nesbett who non-opposes this motion to continue to the date requested by counsel. United States Probation Officer Scott Kelley also non-opposes this request. Counsel requests that the sentencing be continued until May 15, 2006 or sometime thereafter that is convenient to the court.

DATED at Anchorage, Alaska, this 10th day of March 2006.

THE LAW OFFICES OF ROBERT HERZ, PC

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 10th day of March 2006, a true and correct copy of the Motion to Continue Sentencing was faxed to the following: USPO Scott Kelley (271-3060) and served electronically on the US Attorney By: s/Robert Herz

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Case No.: A-05-0041 (RRB)

**ORDER**

FOR GOOD CAUSE SHOWN, and upon consideration of defendant Shane Twigg's  
Non-Opposed Motion to Continue Sentencing,

IT IS HEREBY ORDERED that The Motion is GRANTED. The Sentencing is  
continued to the \_\_\_\_\_ day of \_\_\_\_\_, 2006 at \_\_\_\_\_ a.m./p.m.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
By: Honorable Judge Ralph R. Beistline  
United States District Court Judge